

Kevin R. McCarthy, VSB No. 14273
McCarthy & White, PLLC
1751 Pinnacle Drive, Suite 1115
McLean, VA 22102
703-770-9261
krm@mccarthywhite.com
Attorneys for Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:	*	
	*	
TIDEWIRE, LLC	*	Case No. 13-10957-RGM
	*	(Chapter 7)
Debtor(s).	*	

TRUSTEE'S NOTICE OF INTENTION TO SELL PROPERTY OF THE ESTATE,
NOTICE OF HEARING, AND NOTICE OF OPPORTUNITY TO OBJECT

PLEASE TAKE NOTICE that Kevin R. McCarthy, Trustee, has filed a Motion and intends to sell personal property of the estate pursuant to 11 U.S.C. § 363(b) and Federal Rule of Bankruptcy Procedure 6004(a)-(b) as follows, subject to Court approval:

PROPERTY FOR SALE: all claims the Debtor may have against Harold Lawson arising under corporate veil piercing, alter ego, fraud or any similar legal theory (all such claims, the “Alter Ego Claim”).

TYPE OF SALE: Private.

PRIVATE SALE PRICE: \$5000. The Asset Purchase Agreement (“the Agreement”) is attached as Exhibit A to the Motion being filed simultaneously with this Notice.

BUYER: Ricondo & Associates, Inc. (“Ricondo”).

TIME AND PLACE OF SALE: within ten (10) business days following entry of a final, non-appealable order of the Bankruptcy Court approving the Agreement and the sale of the Alter Ego Claim in accordance with the terms of the Agreement, at a location and time agreed to by the Trustee and Ricondo.

LIENS: None.

DEBTOR'S EXEMPTIONS: N/A.

TAX CONSEQUENCES TO ESTATE BY SALE: None, because the Debtor is 100% owned by Harold Lawson and therefore is a pass-through entity on his personal tax returns.

NET SALE PROCEEDS ESTIMATED TO BE PAID TO ESTATE: \$5000.

APPLICABILITY OF 11 USC § 363(m) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 6004(h). Entry of an Order granting the Trustee's Motion will constitute a Court determination that the buyer is a good faith purchaser and that the Order be immediately effective.

HEARING: A hearing shall be held on the Trustee's Motion at 9:30 a.m. on

February 11, 2014 in Courtroom II of the U.S. Bankruptcy Court, which is located at 200 S. Washington Street, Alexandria, VA 22314-5405.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, **OR IF YOU WISH TO MAKE A HIGHER BID FOR THE ALTER EGO CLAIM, then ON OR BEFORE FEBRUARY 4, 2014** you or your attorney must do the following checked items:

File with the court, at the address shown below, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H).¹

Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. The address for the court is as follows:

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, Virginia 22314

You must also attend the hearing on the Motion scheduled to be held on February 11, 2014 at 9:30 a.m. in Courtroom II of the U.S. Bankruptcy Court, which is located at 200 S. Washington Street, Alexandria, VA 22314-5405.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Date of Mailing: 1/10/14

Respectfully submitted,

/s/ Kevin R. McCarthy
Kevin R. McCarthy, VSB 14273
McCarthy & White, PLLC
1751 Pinnacle Drive – Suite 1115
McLean, VA 22102
(703) 770-9261
krm@mccarthywhite.com
Attorneys for Trustee

¹ However, any party making a higher bid by at least \$1000 may instead communicate that bid with evidence of financial ability to support it to the Trustee by February 4, 2014, and the Trustee will file his own response to the motion informing the Court of such bid. In that event, the hearing will become an auction at which financially supported bids starting with the higher bid will be entertained in \$1000 increments.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of January, 2014 I served a copy of the foregoing through the court's ecf system on all registered ecf participants who have appeared in this case and mailed a copy of the foregoing, by first class mail, postage prepaid, to all of the parties on the attached mailing matrix.

/s/ Kevin R. McCarthy
Kevin R. McCarthy